

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEVERSINK GENERAL STORE
and BRENDA TOMLINSON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

MOWI USA, LLC, MOWI DUCKTRAP,
LLC, MOWI USA HOLDING, LLC, and
MOWI ASA,

Defendants.

Case No. 1:20-cv-09293-PAE

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Plaintiffs Neversink General Store and Brenda Tomlinson ("Plaintiffs") hereby move for final approval of the class action settlement preliminarily approved by this Court on May 13, 2021.

For the reasons set forth in the Memorandum filed herewith, the Declaration of Notice and Claims Administrator Steven Weisbrot, Esq. of Angeion also filed herewith, as well as the Motion for Approval of Attorneys' Fees, Costs, and Service Award and accompanying documents at ECF No. 71, and Plaintiffs' Unopposed Amended Motion for Preliminary Approval and accompanying documents at ECF Nos. 66 and 67, as well as all other pleadings and papers on file in this action, Plaintiffs respectfully request this Court:

a. Grant final certification of the Settlement Class, appoint Plaintiffs Neversink General Store and Brenda Tomlinson Class Representatives and appoint counsel Jonathan Shub and Kevin Laukaitis of Shub Law Firm and Gary M. Klinger and Gary E. Mason of Mason Lietz & Klinger LLP as Class Counsel;

- b. Approve the requested attorneys' fees and costs in the amount of \$360,000 and Plaintiffs' requested service awards in the amount of \$7,500 to Plaintiff Neversink General Store and \$1,500 to Plaintiff Brenda Tomlinson;
- c. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
- d. Find that the terms of the Settlement Agreement are fair, reasonable, and adequate and are approved, adopted, and incorporated by the Court;
- e. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement; and
- f. Resolve all claims against all Parties in this Action and issue the Proposed Order Granting Final Approval Order and Proposed Judgment Granting Final Approval filed herewith and at ECF No. 67-1 (Exhibits 1D and 1E).

Respectfully submitted on this 15th day of October, 2021.

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By: /s/ Jonathan Shub

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